

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Utilities and Regulatory Affairs, to which was referred Senate Bill No. 359, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning local
- 3 government.
- 4 Replace the effective date in SECTION 20 with "[EFFECTIVE
- 5 JANUARY 1, 2012]".
- 6 Page 2, line 18, delete "July" and insert "**January**".
- 7 Page 4, line 13, delete "July" and insert "**January**".
- 8 Page 4, line 33, delete "July" and insert "**January**".
- 9 Page 6, line 32, delete "July" and insert "**January**".
- 10 Page 12, line 16, delete "July" and insert "**January**".
- 11 Page 12, line 18, delete "July" and insert "**January**".
- 12 Page 14, line 14, delete "July" and insert "**January**".
- 13 Page 17, line 24, delete "service and" and insert "**service,**
- 14 **including**".
- 15 Page 19, line 32, delete "revenues and expenditures associated with
- 16 the operation" and insert "**collection, disbursement, and use of the**
- 17 **enhanced 911 fee.**
- 18 **(6) Commission periodic audits of eligible PSAPs, as required**
- 19 **by section 35(d) of this chapter."**
- 20 Page 19, delete lines 33 through 35.

- 1 Page 19, line 36, delete "(6)" and insert "(7)".
- 2 Page 19, line 41, delete "(7)" and insert "(8)".
- 3 Page 20, between lines 11 and 12, begin a new line block indented
- 4 and insert:
- 5 **"(5) Make grants from the fund to the appropriate state**
- 6 **agencies for use in upgrading the state's emergency alert**
- 7 **system to include:**
- 8 **(A) an enhanced satellite based network; or**
- 9 **(B) other appropriate technology and equipment necessary**
- 10 **to make the emergency alert system effective on a timely**
- 11 **basis in all parts of Indiana.**
- 12 **However, the board is authorized to make a grant under this**
- 13 **subdivision only to the extent that it does not impair the**
- 14 **board's ability to make the distributions to counties required**
- 15 **under section 33 of this chapter."**
- 16 Page 20, line 12, delete "(5)" and insert "(6)".
- 17 Page 20, delete lines 13 through 18.
- 18 Page 20, line 19, delete "(6)" and insert "(7)".
- 19 Page 20, line 21, delete "September 1, 2008," and insert "**January**
- 20 **1, 2009,"**.
- 21 Page 20, between lines 20 and 21, begin a new paragraph and insert:
- 22 **"(c) The board is subject to the procurement procedures set**
- 23 **forth IC 5-22."**
- 24 Page 21, line 24, delete "two (2) years" and insert "**twelve (12)**
- 25 **months"**.
- 26 Page 21, between lines 35 and 36, begin a new line block indented
- 27 and insert:
- 28 **"(5) Money transferred to the fund under subsection (f)."**
- 29 Page 22, line 19, after "fund" insert ", **including money described**
- 30 **in subsection (b)(4),"**.
- 31 Page 22, line 19, after "year" insert "**or at any other time"**.
- 32 Page 22, line 20, delete "." and insert "**or any other fund."**
- 33 Page 22, between lines 20 and 21, begin a new paragraph and insert:
- 34 **"(f) Any funds that remain in the wireless emergency telephone**
- 35 **system fund established by IC 36-8-16.5-21 (before its repeal on**
- 36 **July 1, 2008) on July 1, 2008, shall be transferred by the treasurer**
- 37 **of state to the fund."**
- 38 Page 22, line 26, delete "two (2) years," and insert "**twelve (12)**

1 months,".

2 Page 22, line 31, delete "collected:" and insert "**collected do not**
3 **exceed the amount reasonably necessary to provide adequate and**
4 **efficient enhanced 911 service.**".

5 Page 22, delete lines 32 through 35.

6 Page 23, line 2, delete "Except as provided in subsection (c),
7 beginning" and insert "**Beginning**".

8 Page 23, delete lines 9 through 15.

9 Page 23, line 16, delete "(d)" and insert "**(c)**".

10 Page 23, line 18, delete "(e)" and insert "**(d)**".

11 Page 23, line 22, delete "(f)" and insert "**(e)**".

12 Page 23, line 33, delete "(g)" and insert "**(f)**".

13 Page 23, line 36, delete "(h)" and insert "**(g)**".

14 Page 24, line 14, delete "one (1) time" and insert "**two (2) times**".

15 Page 25, line 17, delete "one and four-tenths cents" and insert "**two**
16 **percent (2%)**".

17 Page 25, line 18, delete "\$0.014)".

18 Page 25, between lines 32 and 33, begin a new line block indented
19 and insert:

20 **"(3) If the county imposed a countywide fee under**
21 **IC 36-8-16-5 (before its repeal on July 1, 2008) during the**
22 **state fiscal year ending June 30, 2007, the amount remitted to**
23 **the county by all service suppliers under IC 36-8-16-12**
24 **(before its repeal on July 1, 2008) during the state fiscal year**
25 **ending June 30, 2007.**

26 **(4) If:**

27 **(A) the county did not impose a countywide fee under**
28 **IC 36-8-16-5 (before its repeal on July 1, 2008) during the**
29 **state fiscal year ending June 30, 2007; and**

30 **(B) one (1) or more municipalities in the county imposed a**
31 **fee under IC 36-8-16-5 (before its repeal on July 1, 2008)**
32 **during the state fiscal year ending June 30, 2007;**

33 **the amount remitted to all municipalities described in clause**
34 **(B) under IC 36-8-16-12 during the state fiscal year ending**
35 **June 30, 2007."**

36 Page 25, line 35, delete "July" and insert "**January**".

37 Page 25, line 36, delete "June 30, 2012," and insert "**December 31,**
38 **2011,**".

1 Page 25, line 41, delete "July" and insert **"January"**.

2 Page 26, line 2, delete "September 1, 2008;" and insert **"January 1,**
3 **2009;"**.

4 Page 26, line 6, delete "August 31, 2008;" and insert **"December 31,**
5 **2008;"**.

6 Page 26, line 7, delete "June 30, 2012," and insert **"December 31,**
7 **2011,"**.

8 Page 26, line 16, delete "time" and insert **"times"**.

9 Page 26, line 19, delete "seventy-six and six-tenths cents" and insert
10 **"the board shall distribute on a monthly basis to each eligible**
11 **county an amount not less than the quotient of the county's base**
12 **distribution divided by twelve (12). The board shall adopt rules**
13 **under IC 4-22-2 to establish a distribution formula that ensures**
14 **that each eligible county receives the monthly amount required by**
15 **this subdivision. The rules adopted by the board under this**
16 **subdivision may provide for:**

- 17 (1) a part of the fee to be distributed to eligible counties based
18 on each eligible county's percentage of the state's population;
19 (2) a part of the fee to be distributed equally among eligible
20 counties;
21 (3) a combination of the distribution methodologies described
22 in subdivisions (1) and (2); or
23 (4) any other distribution methodology that the board
24 determines will ensure that each eligible county receives the
25 monthly amount required by this subdivision."

26 Page 26, delete lines 20 through 36.

27 Page 26, line 37, delete "The board shall deposit the remainder" and
28 insert **"After making the distributions to eligible counties at the**
29 **level required by subdivision (2), the board may deposit the**
30 **remainder, if any,"**.

31 Page 27, line 7, delete "July 1, 2012, the following" and insert
32 **"January 1, 2012, the board may adjust the amount distributed to**
33 **eligible counties under subsection (d)(2) at such times as the board**
34 **may adjust the monthly fee under section 30 of this chapter, as long**
35 **as the amounts distributed to eligible counties under subsection**
36 **(d)(2) after the adjustment are proportional to the amounts**
37 **distributed under subsection (d)(2) before the adjustment."**

38 Page 27, delete lines 8 through 23.

- 1 Page 27, line 24, delete "June 30, 2012, the" and insert "**December**
- 2 **31, 2011, the monthly**".
- 3 Page 27, line 25, delete "during a state fiscal".
- 4 Page 27, line 26, delete "year".
- 5 Page 27, line 40, delete "July" and insert "**January**".
- 6 Page 28, line 1, delete "to each eligible PSAP in the county as
- 7 directed by the" and insert "**if the county contains more than one (1)**
- 8 **eligible PSAP, in a manner that ensures that each eligible PSAP**
- 9 **receives an amount that bears the same proportion to the total**
- 10 **amount distributed to all PSAPs in the county under this clause**
- 11 **that the amount the PSAP received before October 1, 2008, under:**
- 12 (i) IC 36-8-16 (before its repeal on July 1, 2008); and
- 13 (ii) IC 36-8-16.5 (before its repeal on July 1, 2008);
- 14 **bears to the total amount received by all PSAPs in the county**
- 15 **before October 1, 2008, under IC 36-8-16 (before its repeal on July**
- 16 **1, 2008) and IC 36-8-16.5 (before its repeal on July 1, 2008)."**
- 17 Page 28, line 4, delete "July" and insert "**January**".
- 18 Page 28, line 37, delete "If:" and insert "**The board shall select a**
- 19 **third party to audit each eligible PSAP every two (2) years to**
- 20 **determine the PSAP's compliance with this section. The board shall**
- 21 **pay for an audit required by this subsection as an administrative**
- 22 **cost of the board. The board shall cause a report of each audit**
- 23 **conducted under this subsection to be filed with the state board of**
- 24 **accounts.**
- 25 (e) **In addition to the audits required under subsection (d), if:"**
- 26 Page 29, line 4, after "chapter." insert "**The board shall cause a**
- 27 **report of each audit conducted under this subsection to be filed**
- 28 **with the state board of accounts."**
- 29 Page 29, line 39, after "system." insert "**A provider shall provide**
- 30 **any subscriber data requested under this section at no cost to the**
- 31 **requesting PSAP, the county in which the PSAP is located, or the**
- 32 **board."**
- 33 Page 30, line 25, delete "subscriber" and insert "**provider**".
- 34 Page 31, line 3, delete "July" and insert "**January**".
- 35 Page 31, line 4, delete "June 30, 2012," and insert "**December 31,**
- 36 **2011,"**.
- 37 Page 31, line 6, delete "July" and insert "**January**".
- 38 Page 31, line 42, delete "provider, a local exchange carrier," and

- 1 insert "**voice communications service provider**,".
- 2 Page 32, line 2, delete "provider, or a local exchange carrier," and
- 3 insert "**voice communications service provider**,".
- 4 Page 33, line 7, delete "July" and insert "**January**".
- 5 Page 33, line 9, delete "July" and insert "**January**".
- 6 Page 36, delete lines 11 through 23.
- 7 Page 36, line 24, delete "(c)" and insert "**(b)**".
- 8 Page 36, line 29, delete "(d)" and insert "**(c)**".
- 9 Page 36, line 33, delete "(e)" and insert "**(d)**".
- 10 Page 37, line 34, delete "July" and insert "**January**".
- 11 Page 37, line 37, delete "July" and insert "**January**".
- 12 Page 37, line 37, delete "and" and insert "**or**".
- 13 Page 37, line 40, delete "July" and insert "**January**".
- 14 Page 37, line 41, delete "remain" and insert "**remains**".
- 15 Page 38, line 1, delete "July" and insert "**January**".
- 16 Page 38, line 3, delete "July" and insert "**January**".
- 17 Page 38, line 7, delete "July" and insert "**January**".
- 18 Page 38, line 10, delete "July" and insert "**January**".
- 19 Page 38, line 12 delete "July" and insert "**January**".
- 20 Page 38, line 16, delete "July" and insert "**January**".
- 21 Page 38, line 17, delete "July" and insert "**January**".
- 22 Page 38, line 22, delete "July" and insert "**January**".
- 23 Page 38, line 24, delete "July" and insert "**January**".
- 24 Page 38, line 25, delete "July" and insert "**January**".
- 25 Page 38, line 30, delete "July" and insert "**January**".
- 26 Page 38, line 33, delete "July" and insert "**January**".
- 27 Page 38, line 34, delete "June 30, 2012" and insert "**December 31,**
- 28 **2011**,".
- 29 Page 38, line 37, delete "July" and insert "**January**".
- 30 Page 38, line 40, delete "July" and insert "**January**".
- 31 Page 38, line 42, delete "July" and insert "**January**".
- 32 Page 39, line 1, delete "July" and insert "**January**".
- 33 Page 39, between lines 1 and 2, begin a new paragraph and insert:
- 34 "SECTION 21. [EFFECTIVE UPON PASSAGE] **As used in this**
- 35 **SECTION, "board" refers to the enhanced 911 advisory board**
- 36 **established by IC 26-8-16.6-22, as added by this act.**
- 37 **(b) As used in the SECTION, "eligible county" has the meaning**
- 38 **set forth in IC 36-8-16.6-33(b), as added by this act.**

1 (c) Notwithstanding IC 36-8-16.6-33(d)(2), as added by this act,
 2 the board shall adopt rules to establish a distribution formula for
 3 distributing the enhanced 911 fee to eligible counties as required by
 4 IC 36-8-16.6-33(d)(2), as added by this act, in the same manner as
 5 emergency rules are adopted under IC 4-22-2-37.1. Any rules
 6 adopted under this SECTION must be adopted not later than July
 7 1, 2008. A rule adopted under this SECTION expires on the earlier
 8 of:

9 (1) the date the rule is adopted by the board under
 10 IC 4-22-2-24 through IC 4-22-2-36; or

11 (2) January 1, 2010.

12 (c) This SECTION expires January 1, 2010."

13 Renumber all SECTIONS consecutively.

(Reference is to SB 359 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

Hershman

Chairperson